

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

ERNEST SEXTON and JO ANN SEXTON

PLAINTIFFS

v.

3:06CV00163-WRW

**SHERIFF WAYMOND HUTTON,
individually and in his official capacity, and
DEPUTY DELBERT ROBBINS, individually
and in his official capacity**

DEFENDANTS

ORDER

Pending is Plaintiffs' Motion to Strike Affirmative Defenses (Doc. No. 10). Defendants have responded (Doc. No. 12).

Plaintiffs ask that Defendants affirmative defenses be stricken because they are factually unsupported. Federal Rule of Civil Procedure 12(f) governs striking pleadings and it states:

[T]he court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.¹

"Striking a party's pleadings is an extreme measure" and "motions to strike under [Rule 12(f)] are viewed with disfavor and are infrequently granted."²

In response, Defendants correctly note that there is no requirement in the federal rules that affirmative defenses raised in an Answer be factually supported. This case began on September 7, 2006, and discovery has only recently begun. For this reason, Plaintiffs' motion is DENIED.

IT IS SO ORDERED this 19th day of January, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Fed. R. Civ. P. 12(f).

²*Mo-Kan Iron Workers Welfare Fund v. Metropolitan Life Ins. Co.*, No. 06-4095, 2006 WL 2311833 (W.D. Mo. 2006) (citing *Stanbury Law Firm v. I.R.S.*, 221 F.3d 1059, 1063 (8th Cir. 2000) (reversing the district court's striking of irrelevant pleadings)).